

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST LOUIS DIVISION

IN THE MATTER OF

RICKEY NELSON McDANIELS,  
SR.

DIANE MARIA McDANIELS,

DEBTORS

IN PROCEEDINGS  
UNDER CHAPTER 13

NO. 14-31950

JUDGE: Grandy

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES Nationstar Mortgage LLC, by and through its attorneys, Shapiro Kreisman & Associates, LLC, and moves this Court for entry of an order modifying the automatic stay, pursuant to 11 USC §362(d) and in support thereof states as follows:

1. The Debtors filed a Chapter 13 Petition on November 26, 2014. They filed Amended Plan Number 6 on March 5, 2019, which was confirmed on March 27, 2019.
2. The Movant is a creditor of the Debtors', pursuant to a note that is secured by a mortgage on their residence, commonly known as: 4921 2nd Street, Alton, IL 62002. A copy of the perfected security interest is attached hereto as Exhibit A.
3. The balance due as of June 25, 2019 was \$34,767.05, calculated as follows:

Payoff Breakdown		
Unpaid Principal Balance		\$34,478.47
Interest through 06/25/19		\$1,122.73
Corporate Advance		\$75.00
Total Suspense		(\$909.15)

4. A material term of the plan called for the Debtors to make monthly post-petition mortgage payments directly to the Movant commencing with the installment that came due on December 1, 2014.
5. Notwithstanding that material term, post-petition mortgage payments are in default in the amount of \$1,146.90 through June 30, 2019, after giving credit for a post-petition suspense balance in the amount of \$37.04.
6. The default in the post-petition mortgage payments is due to the Debtors' failure to tender full monthly mortgage payments in the months of May 1, 2019 through June 1, 2019, each in the amount of \$591.97.
7. In addition to that default, the Movant has incurred attorneys' fees of \$850.00 and court costs of \$181.00 in connection with this motion. Pursuant to the terms of the loan documents, the Debtors must reimburse the Movant for those fees and costs as well, resulting in post-petition mortgage defaults, attorneys' fees and costs of \$2,177.90 through June 2019.
8. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.
9. The Movant adopts the facts set forth in the Statement Pursuant to Local Rule 4001-2 as additional allegations in support of this motion.

WHEREFORE, Nationstar Mortgage LLC, moves this Honorable Court to modify

the automatic stay to allow Nationstar Mortgage LLC to foreclose the mortgage or, in its sole discretion, to accept a short sale or deed in lieu of foreclosure on the property located at: 4921 2nd Street, Alton, IL 62002 and that Federal Bankruptcy Rule 4001(a)(3) be waived.

Respectfully submitted,

/s/ Richard B. Aronow  
Attorney for Nationstar Mortgage LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be sent to the Debtors at the address listed below. Said copy was placed in an envelope addressed as listed below and placed in the U.S. Mail on July 2, 2019, with first class postage prepaid. All other parties entitled to notice received such notice electronically, through the office of the Clerk of the Court.

Respectfully Submitted,

/s/ Richard B. Aronow

Mike Kalkowski ARDC #6185654  
Richard B. Aronow ARDC# 03123969  
Michael N. Burke ARDC# 6291435  
Shapiro Kreisman & Associates, LLC  
2121 Waukegan Road, Suite 301  
Bannockburn, IL 60015  
(847) 291-1717  
Attorneys for Movant  
14-074617

Notified via Electronic Filing

U.S. Trustee, 401 Main Street, Suite 1100, Peoria, IL 61602  
Russell C Simon, CH 13 Trustee, 24 Bronze Pointe, Swansea, IL 62226  
David A. Virgin, 24 North Lincoln, Cottage Hills, IL 62018

Notified via US Postal Service

Rickey Nelson McDaniels, Sr., 4921 Second Street, Alton, IL 62002  
Diane Maria McDaniels, 4921 Second Street, Alton, IL 62002.

**The firm of Shapiro Kreisman & Associates, LLC is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally**

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STATEMENT PURSUANT TO LOCAL RULE 4001-2

1. The following entities or party have a legal or equitable interest in the property commonly known as 4921 2nd Street, Alton, IL 62002:

1<sup>st</sup> MidAmerica Credit Union  
c/o Riezman Berger, P.C.  
7700 Bonhomme, 7<sup>th</sup> Floor  
St. Louis, MO. 63105

2. Movant is the holder of the note secured by the mortgage on the property commonly known as 4921 2nd Street, Alton, IL 62002.
3. The balance due as of June 25, 2019 is \$34,767.05.
4. The mortgage which secures the property commonly known as 4921 2nd Street, Alton, IL 62002 was recorded on January 3, 2002, as document number 2002R00728.
5. The value of the property which subject to the motion for relief is \$73,000.00 and the basis of this value is the Voluntary Petition under Schedule A.

Respectfully Submitted,

/s/ Richard B. Aronow  
\_\_\_\_\_  
Richard B. Aronow

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1<sup>st</sup> MidAmerica Credit Union, c/o Katheryn A. Klein, Riezman Berger, PC, 7700  
Bonhomme Ave., St. Louis, MO. 63105

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EXHIBIT SUMMARY AND CERTIFICATE OF SERVICE

The following exhibits in reference to the Motion for Relief from the Automatic Stay of Nationstar Mortgage LLC are available upon request. Movant will bring exhibits to any scheduled Court hearing on this matter.

1. Mortgage
2. Note
3. Payment History
4. Assignment of Mortgage

Respectfully Submitted,

/s/ Richard B. Aronow

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Richard B. Aronow

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